

REGULAR MEETING MINUTES CITY COMMISSION

August 26, 2004

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Quesinberry at 6:30 p.m. in City Hall Commission Chambers. The invocation and Pledge of Allegiance were given.

PRESENT: Mayor Jack Quesinberry, Commissioners Bill Thompson, Theo Graham, Mildred Dixon, and John Harriman

Also Present: City Manager Hollis Holden, City Attorney Dykes Everett, City Clerk Kathy Golden, Assistant to the City Manager Marshall Robertson, Police Chief George Brennan, City Planner Mark Cechman, Utilities Director Fernand Tiblier, Public Works Director Bob Smith, Trailer City Manager Hughlan Martin, Finance Director Mike Bollhoefer, and West Orange Times reporter Michael Laval

1. APPROVAL OF MINUTES

Regular Meeting Minutes of August 12, 2004. **Motion by Commissioner Dixon to approve the minutes as submitted. Seconded by Commissioner Harriman and carried unanimously 5-0.**

Mayor Quesinberry dispensed with the City Commission agenda and convened as the Community Redevelopment Agency (CRA) at 6:32 p.m.

Members Present: Jack Quesinberry, Chairman; Bill Thompson, Theo Graham, Mildred Dixon, John Harriman, and Bob Battaglia (CRA Advisory Board Vice-Chairman)

Members Absent: Teresa Jacobs

2. Recommendation to approve a contract with Glatting Jackson for downtown Plant Street wayfinding and signage design

Assistant to the City Manager Robertson stated that after the downtown renovations were done the signage needed to be upgraded. Therefore, two firms were contacted and the CRA Advisory Board reviewed their proposals and chose to recommend Glatting Jackson to upgrade the signs that will tell visitors where the museum and shops on Main Street are located. Glatting Jackson will also include their recommendations regarding any additional language needed to control signage attached to buildings. **Motion by Agency Member Bob Battaglia to approve the contract with Glatting Jackson for downtown Plant Street for wayfinding and signage design. Seconded by Agency Member Harriman.** Agency Member Graham referred to the scope of the contract through Part V at \$8,330 and anything beyond that being at the hourly rate stated in Section 5.3. City Manager Holden stated that Section 5.1 gives the fixed fee for each respective part and that their direct expenses, such as their travel time, etc., will be billed in addition to the \$8,330. If the City requests additional services, then the hourly rate in Section 5.3 would apply. Agency Member Graham clarified that the motion made was for items in Section

5.1 identified as I through V. City Manager Holden stated yes, for \$8,330 and if there are additional items, a request for approval would be made to the CRA, but Glatting Jackson will still receive their direct costs as stated in Section 5.5, which is in addition to the \$8,330. **Motion carried unanimously 6-0.**

Agency Chairman/Mayor Quesinberry adjourned the CRA meeting at 6:36 p.m. and reconvened the City Commission meeting.

3. **FIRST READING OF PROPOSED ORDINANCE**

- A. **Ordinance 04-54:** AMENDING THE CODE OF ORDINANCES CHAPTER 2, ARTICLE V, ELECTIONS; BY ADDING A NEW SECTION 2-254, EARLY VOTING OPT OUT PROVISION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Everett read Ordinance 04-54 by title only. **Motion by Commissioner Harriman to approve Ordinance 04-54 and to schedule the second reading and public hearing for September 8, 2004. Seconded by Commissioner Dixon.** Mayor Quesinberry stated that it is his understanding that if the City doesn't opt out of the early voting, Winter Garden would have to establish early voting locations in other locations such as Winter Park and other County locations with our ballots. City Clerk Golden stated that during the election year that the City "piggy-backed" the County election, the City ballots were disbursed to each early voting location. Commissioner Graham stated that under Section 1, during a City election, residents could vote early at the Orange County Supervisor of Elections Office. City Clerk Golden stated yes, that option would remain. **Motion carried unanimously 5-0.**

4. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

- A. **Ordinance 04-37:** ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 9.12 ACRES LOCATED AT 602 HENNIS ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE (Youngblood/Roper Postponed from July 22, 2004)

City Attorney Everett read Ordinance 04-37 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 04-37. Motion seconded by Commissioner Dixon.** Commissioner Thompson asked if this was the Ordinance that was postponed for a traffic study and if so, was it performed and what were the results. City Manager Holden stated that the study has nothing to do with the annexation and asked City Planner Cechman to explain a meeting they had. City Planner Cechman stated that the Tomlin piece is a subset of the larger Roper/Youngblood PUD, but it is part of it and later in this meeting, the PUD will be discussed. **Motion carried unanimously 5-0.**

- B. **Ordinance 04-38:** AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY INCLUDING PROPERTY GENERALLY DESCRIBED AS 9.12 ACRES OF LAND LOCATED AT 602 HENNIS ROAD AS LOW-DENSITY RESIDENTIAL; PROVIDING FOR AN EFFECTIVE DATE (Youngblood/Roper Postponed from July 22, 2004)

City Attorney Everett read Ordinance 04-38 by title only. Mayor Quesinberry opened the public hearing. Hearing no public comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 04-38. Motion seconded by Commissioner Dixon and carried unanimously 5-0.**

- C. **Ordinance 04-39:** REZONING APPROXIMATELY 114.86 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF HENNIS ROAD AND EAST DIVISION STREET FROM CITY R-1 AND R-2 AND COUNTY CITRUS RURAL TO CITY PUD; PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE (Youngblood/Roper Postponed from July 22, 2004)

City Attorney Everett read Ordinance 04-39 by title only. Mayor Quesinberry opened the public hearing. Hearing no public comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 04-39 with staff recommendation (*see attached*). Motion seconded by Commissioner Dixon.** Commissioner Graham referred to the cul-de-sac on the west side that includes lots 242 through 252 which are 70 feet and on the west side of the street there are 85 foot wide lots, but it is his understanding that the Code addresses the distance allowed for a cul-de-sac which is not more than 500 feet. Therefore, using eleven 70 foot wide lots it would equal 840 feet and using the other side of the street, the 85 foot lots would make it 935, but as he recalls, the maximum is 500 feet that was adopted for safety reasons such as a fire near the access point, whereby the people inside would not be able to get out in their vehicles. City Planner Cechman stated that is why multiple connections are required where feasible. Commissioner Graham asked if there was an Ordinance on the books regarding the maximum length of a cul-de-sac. City Manager Holden stated yes, but he doesn't believe it applies to the PUD Ordinance and staff does not see a problem with the length of this cul-de-sac for this PUD. Commissioner Graham asked what would be the difference if it were adopted for safety reasons. It shouldn't make a difference because of the safety factor whether it is a PUD, R-1, or R-2. It should be applied to all developments equally. Mr. Holden stated staff will research whether or not the 500 foot requirement still makes sense in today's development as it was adopted possibly back in the 70's. **Motion carried unanimously 5-0.**

- D. **Ordinance 04-48:** VACATING THE EASTERLY 7 FEET OF THE TWELVE FOOT DRAINAGE AND UTILITY EASEMENT LOCATED ADJACENT TO THE WESTERNMOST PROPERTY LINE, LESS 6 FEET ON THE NORTHERN AND SOUTHERN PROPERTY LINES OF 13181 LAKESHORE GROVE DRIVE, WINTER GARDEN, FLORIDA; PROVIDING AN EFFECTIVE DATE

City Attorney Everett read Ordinance 04-48 by title only. Mayor Quesinberry opened the public hearing. Hearing no public comments, the public hearing was closed. **Motion by**

Commissioner Harriman to adopt Ordinance 04-48 with staff recommendation (*see attached*). Motion seconded by Commissioner Dixon and carried unanimously 5-0.

- E. **Ordinance 04-49:** VACATING THE NORTHERLY 5 FEET OF THE TEN FOOT DRAINAGE AND UTILITY EASEMENT LOCATED ADJACENT TO THE SOUTHERNMOST PROPERTY LINE, LESS 5 FEET ON THE WESTERN AND EASTERN PROPERTY LINES OF 1144 BRANDY LAKEVIEW CIRCLE, WINTER GARDEN, FLORIDA; PROVIDING AN EFFECTIVE DATE

City Attorney Everett read Ordinance 04-49 by title only. Mayor Quesinberry opened the public hearing. Hearing no public comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 04-49. Motion seconded by Commissioner Dixon and carried unanimously 5-0.**

- F. **Ordinance 04-50:** VACATING 190 FEET OF FIRST AVENUE OF THE PLAT OF THE TOWN OF CROWN POINT; PROVIDING AN EFFECTIVE DATE

City Attorney Everett read Ordinance 04-50 by title only. Mayor Quesinberry opened the public hearing. Hearing no public comments, the public hearing was closed. **Motion by Commissioner Thompson to adopt Ordinance 04-50. Motion seconded by Commissioner Dixon and carried unanimously 5-0.**

5. **REGULAR BUSINESS**

- A. **Recommendation to approve the sale of surplus equipment and vehicles**

Public Works Director Smith stated that the request is for approval to surplus 15 vehicles and equipment that have long out lived their useful life and offer them for sale at the Zellwood Auction. Commissioner Graham asked if the City is doing better at the auction as opposed to selling them ourselves. Mr. Smith replied that we are doing okay and they are looking into the possibility of selling items on eBay. **Motion by Commissioner Graham to authorize the surplus of equipment and vehicles as requested. Seconded by Commissioner Thompson and carried unanimously 5-0.**

- B. **Recommendation to approve acquisition of 110 Henderson Street, Winter Garden, from West Orange Youth Center Association, Inc.**

Finance Director Bollhoefer stated that the Youth Center would like to sell the building to the City and instead of receiving cash, they would like the City to create a youth program for the 11 to 15 year olds. The Recreation Department has devised a very good program, which was included in the agenda package, which should do very well for the children in the neighborhood and community. Staff also believes the building will be beneficial to completing the Police Department complex in future years. Mayor Quesinberry stated he believes it is important for the City to have the whole block. Commissioner Thompson asked about the property's value. Mr. Bollhoefer stated that the Youth Center had a realtor look at the building and estimated the value at \$250,000 and some have said it is worth about \$150,000 so it was mutually agreed that an exchange value of about \$200,000 was fair. Therefore, the proposed youth programs equal about \$200,000. City Manager Holden stated that in speaking to the organization years ago, they were not sure what they could do because of the way in which they obtained the property. The City has

been trying to fulfill the needs of the youth that was previously provided by the Youth Center that does not have enough attendance to support the cost. After much research, the Youth Center found they are able to sell it and he believes the \$200,000 is appropriate since the City should be doing more for this age group and will be of value to the community. Commission Harriman asked how many years will the programs be operated. City Manager Holden stated four. Finance Director Bollhoefer also stated that staff will meet with the Youth Center Directors at the end of each year for the four years to review the events to see which ones were attended or not and adjust them accordingly. After four years, the entire project will be reviewed. The building is currently being used by the Police Department for training, Toys for Tots, storage, etc. Commissioner Graham asked where the money would go if we did not fulfill the full four years with youth programs and had to pay for the building. Mr. Bollhoefer stated it would go to a trust account for the not-for-profit organization to put on events themselves. City Manager Holden stated the City previously owned the property. The organization built the building. Assistant to the City Manager Robertson stated that the City sold the property to the Youth Center organization in 1955 for \$1,000. Mr. Holden stated that he believes it gives the organization the satisfaction of knowing the City is obligated to the youth programs because they don't want the money or responsibility of putting on the events. Mr. Bollhoefer added that the Youth Center Board are the ones who insisted on the language that allows the youth events for a four-year period. **Mayor Quesinberry called for the vote and all voted in favor.** *(Note: During transcription it was discovered that there was no motion or second made on this item. Therefore, this item will be carried over to the next agenda.)*

C. Recommendation to approve an interlocal agreement with Orange County for acceptance of Emergency Medical Services equipment obtained through grant funds

Fire Chief Williamson stated that the equipment is in the possession of the City and there was no cost to the City. This request is to finalize the matter and states the equipment will be used for their intended purposes. **Motion by Commissioner Graham to approve the interlocal agreement with Orange County for acceptance of Emergency Medical Services equipment. Seconded by Commissioner Thompson and carried unanimously 5-0.**

D. Recommendation to approve renewal of the Police Mutual Aid Agreement

Police Chief Brennan stated this item is to renew an existing mutual aid agreement that is due to expire in January 2005 with the language remaining the same for an additional 4-year period. He noted that the only change made is to the names of some of the participants such as his replacing Yawn. **Motion by Commissioner Graham to approve renewal of the Police Mutual Aid Agreement between several Central Florida agencies. Seconded by Commissioner Thompson and carried unanimously 5-0.**

6. MATTERS OF CONCERN FROM CITIZENS

Derek Blakeslee, 230 North Highland Avenue, Winter Garden, Florida, stated he wanted to thank the Commission and make sure the Commission thanks the City employees who the night

after the hurricane were clearing brush and debris from the streets to make sure they were passable. He was thrilled to see there was a plan in place to make sure the work began quickly when it was safe to do so. Driving around later on Saturday, you could see our City employees did an amazing job of helping citizens take care of the cleanup and the leadership should be commended. He asked the Commission to make sure to commend all City employees who spent a lot of time away from their families to work for our citizens.

Tina Aldrich, 27 North Dillard Street, Winter Garden, Florida, extended her thanks to Police Chief Brennan and his crew because her family is temporarily living in a 100-year house surrounded by 100-year old oak trees that they did not feel safe staying at, so they went to their place of business on West Plant Street that has a steel roof and is made of concrete in order to feel safer. She noted that there were police officers stationed on both sides of the street all through the night to make sure the merchants remained safe and she commends and appreciates those dedicated efforts.

Richard Napotnik, 1633 Fullers Cross Road, Winter Garden, Florida, stated that he was wondering if Mayor Quesinberry has looked into or is going to look into the allegations brought up at the Commission meeting of July 8th by Commissioner Graham against Mr. Holden that might be considered ethics violations regarding Trailer City residents not being told the whole truth in the beginning and well as other issues. **Mayor Quesinberry** stated that he feels the City Manager did what he thought was right and asked the City Attorney if any action is necessary. **City Attorney Everett** stated that the Florida Commission on Ethics typically governs elected officials, members of boards, appointed officials etc. Matters regarding the City Manager or City staff come under the jurisdiction of the City Commission. Since there was no action by the City Commission to institute any formal inquiry, there is no ongoing investigation. **Mr. Napotnik** stated that he just wanted to bring it to the Mayor's attention since he believes certain decisions made by the City Manager should actually have been made by the City Commission. He is not saying Mr. Holden is not doing a good job or is a bad manager, but he may be getting a little out of his field. Mr. Napotnik stated he is going by what he hears. **Commissioner Dixon** stated that speakers addressing the Commission need to address specific issues by putting it on paper so the Commissioners can address a specific point.

Charlene Wright, 1763 Christopher Street, Winter Garden, Florida, stated she attended a Commission meeting last month regarding her grocery store and game room on Center Street and at the direction of the Commission, she and her attorney met with City Planner Cechman and absolutely nothing came of the meeting, not even a permit to open the store. When she spoke with Mr. Cechman yesterday about what she needs to do to get the store open, he said to sign a letter written by Mr. Cechman, which she believes is wrong to require her to sign away all her rights to ever have a game room. **City Manager Holden** stated that Ms. Wright's attorney and the City attorney are dealing with this issue and are in the process of exchanging letters. He has the whole file and will be glad to speak with individual Commissioners about where this case stands, but the problem is Ms. Wright does not want to comply with the rules. Her attorney needs to explain her choices to her and she needs to act accordingly. **Commissioner Dixon** stated Ms. Wright has legal representation and she is bound to work through her attorney who should work with the City Attorney. If a special exception is required, then that is the direction she needs to take. If a special exception is denied, then she can appeal the denial.

7. **MATTERS FROM CITY ATTORNEY** – Dykes Everett had nothing to report.

8. **MATTERS FROM CITY MANAGER**

A. **Financial Statement for July 2004**

Reported that City finances are in excellent shape and he or the Finance Director is available to answer any questions.

▪ **Klondike Street**

City Manager Holden stated that Commissioner Dixon has previously mentioned her concerns regarding speeding vehicles in the area around Klondike Street, Maxey Center and the community pool. He is of the opinion that it should be taken a step further than just adding speed bumps by testing the closure of Klondike. A cul-de-sac could eventually be built, expand the park to connect the pool, across what is now concrete street, to the basketball courts to stop once and for all the racetrack on Klondike. Along with the plan, there are some related challenges with the physical location of a house that is immediately adjacent to the swimming pool and the parcel the City owns adjacent to the park. Mr. Holden proposed installing some jersey barricades to close one end with appropriate signage, then close the other end next to the little park to see what, if any, problems it may bring related to traffic flow. He thinks there will be none but wants to allow the neighbors to express any concerns they may have during the temporary closure. If it works, then staff would come back with a proposal to proceed with properly closing the street. He requested the Commission's permission to block and close the street. Mayor Quesinberry stated that he believes staff should look into the possibility of purchasing the property across from the City owned vacant lot. Mr. Holden stated that he is looking at squaring off the parcel to build a circular cul-de-sac. Otherwise, it may be necessary to take out some of the third basketball court and some of the park property. He doesn't believe it is a problem for the fire trucks but to do it correctly, we would first have to acquire the additional property, or we may have to go with the alternate proposal. Commissioner Dixon stated the proposal plan is better than nothing being done. **Motion by Commissioner Dixon to install temporary barricades at both ends of Klondike Street at 9th Street and 11th Street. Seconded by Commissioner Harriman and carried unanimously 5-0.**

▪ **Hurricane Charley**

Mr. Holden stated he could not say enough about staff's assistance during the threat of a direct hit of a hurricane. Early on, he and the two Chiefs manned the Emergency Operations Center at City Hall. The County directed a mandatory evacuation and it is staff's opinion that it was announced too late. The Police Chief doubled the officers on duty who were directed to make contact with all mobile home parks. The Fire Chief had four fire trucks in operation, which were strategically placed around the City. Reports to dispatch by our safety units allowed them to know within 30 minutes every road that had a major closure problem and, most important, the damage. Trees were pushed out of the way to maintain access. Wherever there was a power line down on a side street, it was barricaded. Staff did so well so quickly that we started getting calls on Monday that

Belle Isle, with only minimal staff, was devastated and a crew of three was sent with equipment for six days to assist. We have a great-organized staff who know what they are doing. We continue to gather our costs for reimbursement and roughly appears to have cost us between \$75,000 and \$100,000. The percentage we will be reimbursed is unknown at this point. Mayor Quesinberry stated that the Progress Energy supervisor for our area sent out an additional 40 workers and that contributed to getting our power back so quickly. Delaney Park and other Orlando areas had problems and delays because of meter bases being torn off the house and after the power was back on, the replacement meters had to be inspected. Mr. Holden stated that because of these very delays Orlando was experiencing, three inspectors were sent to do inspections on Saturday and Sunday to help Orlando which did not have enough inspectors.

- We have received our population estimate as of April 1, 2004, which he thinks is a little low, but it came in at 22,242, which is not quite 2,000 over what it was last year for a 9.1% increase over the past year.

9. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Dixon:

- Request from Orange County Community Action Board to participate in their Annual Volunteer Awards Dinner on October 8th
Motion by Commissioner Dixon to approve the purchase of two tables for the Orange County Community Action Board to participate in their Annual Volunteer Awards Dinner. Seconded by Commissioner Harriman and carried unanimously 5-0.
- Reported that her church, Ninth Street Church of Christ, burned down Saturday night. They were fortunate to have the City of Winter Garden Police and Fire Departments respond, work diligently to help them find out the cause of the fire, and board up the building. They are now worshipping at the West Orange Church of Christ which has opened their doors to them for free, and she asked that the paperwork to build their new church move quickly.
- Welcomed back Commissioner Graham and asked that whatever is between him and the City Manager not be aired in the newspaper. Instead, let's have a workshop, coffee break, or something to work it out.

The meeting was adjourned at 7:44 p.m. to the budget workshop immediately following.